IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

No. 83-737

PEOPLE OF THE STATE OF CALIFORNIA, ET AL., APPELLANTS

v.

UNITED STATES OF AMERICA, ET AL.

No. 83-738

NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE, APPELLANT

v.

UNITED STATES OF AMERICA, ET AL.

ON APPEALS FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOTION TO EXPEDITE CONSIDERATION

The Solicitor General, on behalf of the United States, moves to expedite consideration of the jurisdictional statements and motions to affirm in this case.

This is a civil antitrust action brought by the United States, which the district court has certified for direct review by this Court pursuant to the Expediting Act, 15 U.S.C. 29(b). The consent decree entered in this case requires a substantial reorganization of American Telephone & Telegraph Company (AT&T) to provide effective relief for the competitive harms alleged by the government. The district court found the consent decree to be in

the public interest, but required that the plan of reorganization, which details how the decree will be carried out, be submitted for court approval prior to implementation. Last Term, this Court summarily affirmed the consent decree (Maryland v. United States, No. 82-952 (Feb. 28, 1983)) and the present appeals are from the district court's order approving the plan of reorganization as consistent with the provisions and principles of the decree. The reorganization of AT&T pursuant to the plan is scheduled to occur on January 1, 1984.

Appellants' jurisdictional statements were filed November 2 and 3, 1983. The United States and AT&T are today filing motions to affirm. For the reasons set forth in its motion, the United States agrees with AT&T and the district court that immediate consideration of the appeals by this Court is of general public importance in the administration of justice and that this Court should, therefore, accept the direct appeals. Moreover, since the reorganization will occur on January 1, 1984, and delay beyond that date in the resolution of these appeals would have a broad and significant adverse effect on the telecommunications industry, regulatory authorities, and the public in general, it is important that these appeals be decided before that date if possible.

Accordingly, the United States suggests that the jurisdictional statements and motion to affirm be considered by the Court at its next scheduled conference.

Respectfully submitted.

REX E. LEE
Solicitor General

NOVEMBER 1983